

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                   UNITED STATES OF AMERICA,

4                                   Plaintiff,

5                                   v.

6                   ROBERT BARBER,

7                                   Defendant.

Case No. 2:20-mj-00895-VCF

**FINDINGS AND ORDER**

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COUNSEL/PARTIES OF RECORD	
May 27, 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

9                   Based on the pending Stipulation between the defense and the government, and good  
10 cause appearing therefore, the Court hereby finds that:

11                   1.       The parties desire to continue the preliminary hearing to facilitate pre-  
12 indictment resolution. The government has provided defense counsel with Rule 16  
13 discovery for that purpose, and the parties are in active plea negotiations. Defense counsel  
14 will need additional time to review the discovery and discuss any potential plea offer with  
15 his client. The Court finds good cause to continue the hearing to allow the parties to reach a  
16 pre-indictment resolution.

17                   2.       Both counsel for defendant and counsel for the government agree to the  
18 continuance.

19                   3.       Defendant is not in custody and agrees to the continuance.

20                   4.       The continuance is not sought for the purposes of delay, but to allow defense  
21 counsel an opportunity to examine the merits of this case before a potential resolution can  
22 be reached between the parties.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for June 3, 2021, at 4:00 p.m. be vacated and continued to July 19, 2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 27 day of May, 2021.

HONORABLE CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE